



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,910	12/27/1999	MICHAEL C. G. LEE	71493-639	9364

7380 7590 11/12/2002  
SMART & BIGGAR  
P.O. BOX 2999, STATION D  
55 METCALFE STREET, SUITE 900  
OTTAWA, ON K1P5Y6  
CANADA

EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 11/12/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/472,910

Applicant(s)

LEE, MICHAEL C. G.

Examiner

Quynh H Nguyen

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 102*

2. Claims 2-4, 7, 9, 16, 18-20, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sonesh et al. (U.S. Patent 6,046,762).

Referring to claim 2 Sonesh et al. teach an automatic call distribution (ACD) controller arranged to be coupled through a packet-based network to a plurality of remote telephone stations and one or more attendant telephone stations, the ACD controller comprising call reception logic (col. 6, lines 3-5) that controls the establishment of telephone sessions between the remote telephone stations and the attendant telephone stations; wherein the call reception logic operates to receive call initiation signals from a particular one of the remote telephone stations (col. 7, lines 58-61); to monitor if an attendant availability parameter is met (col. 10, lines 58-61); if the attendant availability parameter is not met, to send at least one data information message to the particular remote telephone station via the packet-based network (col. 10, lines 58-61); and, if the attendant availability parameter is met, to establish an audio channel between the particular remote telephone station and a particular one of the attendant telephone stations (col. 11, lines 3-6), the call reception logic further operates to query the capabilities of the particular remote telephone station prior to sending the data information messages, a format for the data information message being determined based upon the capabilities of the particular remote telephone station (col. 10, lines 50-56).

Referring to claim 3, Sonesh et al. teach the packet-based network is an Internet Protocol (IP) network and the data information message is transmitted within an IP packet (col. 10, lines 50-58).

Referring to claim 4, Sonesh et al. teach the call reception logic further operates to determine a waiting parameter (expected wait time col. 10, line 60) to be presented to a user at the particular remote telephone station, the data information message comprising waiting parameter (col. 10, lines 59-61).

Referring to claims 7 and 9, Sonesh et al. teach the call reception logic further operates to update the waiting parameter periodically until the attendant availability parameter is met and to send further data information signals comprising updated waiting parameters to the particular remote telephone station via the packet-based network until the attendant availability parameter is met (col. 11, lines 1-4).

Claim 16 for the same reasons as first limitation in claim 2 and Sonesh et al. teach the data information message comprises a plurality of audio options (col. 6, lines 55-58); and wherein the call reception logic further operates to monitor for receipt of one of a plurality of audio option activation messages from the particular remote telephone station, each of the audio option activation messages corresponding to a selection of a particular one of the audio options (col. 6, lines 55-58 and col.8, lines 3-9); and, if the call reception logic receives one of the audio option activation messages from the particular remote telephone station, to send audio signals associated with the received audio option activation message to the particular remote telephone station (col. 8, lines 3-9).

Referring to claim 18, Sonesh et al. teach the data information message comprises a browser request option (Fig. 6, 601); and wherein the call reception logic further

operates to monitor for receipt of a browser request activation message from the particular remote telephone station in response to the browser request option (col. 10, lines 34-43); and, if the call reception logic receives a browser request activation message from the particular remote telephone station, to initiate a browser session with the particular remote telephone station such that the particular remote telephone station can access data information within a browser format (col. 10, lines 34-52).

Referring to claim 19, Sonesh et al. teach the browser format is a web page (col. 10, lines 34-36).

Referring to claim 20, Sonesh et al. teach if a browser session is initiated with the particular remote telephone station, the call reception logic further operates to send an alert message to the particular remote telephone station when the attendant availability parameter is met (col. 10, line 50 thru col. 11, line 6).

Referring to claim 24, Sonesh et al. teach an automatic call distribution (ACD) controller arranged to be coupled through a packet-based network to a plurality of remote telephone stations and one or more attendant telephone stations, the ACD controller comprising call reception logic (col. 6, lines 3-5) that controls the establishment of telephone sessions between the remote telephone stations and the attendant telephone stations; wherein the call reception logic operates to receive call initiation signals from a particular one of the remote telephone stations (col. 7, lines 58-61); to initiate a browser session with the particular remote telephone station such that the particular remote telephone station can access data information within a browser format (col. 10, lines 34-52); to monitor for receipt of an attendant request message being sent from the particular remote telephone station; and, if the attendant request message is received, to monitor if

an attendant availability parameter is met, to establish an audio channel between the particular remote telephone station and a particular one of the attendant telephone stations (col. 11, lines 3-6).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 30, 31, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonesh et al. (U.S. Patent 6,046,762) further in view of Dezonno (U.S. Patent 6,295,354).

Referring to claims 5 and 6, Sonesh et al. as discussed above, Sonesh et al. suggested wait information such as the length of the queue and expected wait time, but Sonesh et al. do not mention about the waiting parameter comprises a number corresponding to an order in which the call initiation signals were received from the particular remote telephone station with respect to other call initiation signals received from other ones of the remote telephone stations and an estimate of the time before the attendant availability parameter is met. Dezonno teaches the waiting parameter comprises a number corresponding to an order in which the call initiation signals were received from the particular remote telephone station with respect to other call initiation signals received from other ones of the remote telephone stations (col. 2, lines 44-50 and col. 6, lines 32-34). It would have been obvious to one of ordinary skill in the art at the time the

invention was made in order to clearly inform customer the order that he/she is in the queue and an estimate of how long he/she will have to wait for an available attendant.

Referring to claims 30 and 34, Sonesh et al. teach a switching device arranged to be coupled through a telephone network to at least one remote telephone station and an Automatic Call Distribution (ACD) system comprising at least one attendant telephone station (Fig. 1, 120), the switching device comprising alert request logic (connection manager) that is operable when the remote telephone station is connected to the ACD system (Fig. 1, 110) through the switching device; but Sonesh et al. do not suggest the alert request logic operates to monitor for receipt of an alert request activation signal; and, if the alert request activation signal is received, to store a directory number corresponding to the remote telephone station, to disconnect the remote telephone station from the switching device, to monitor for an attendant ready signal from the ACD system and, if the attendant ready signal is received, to initiate a telephone session with the remote telephone station using the stored directory number in order to connect the remote telephone station and the ACD system. Dezonno et al. teach the alert request logic operates to monitor for receipt of an alert request activation signal (col. 4, lines 51-62); and, if the alert request activation signal is received, to store a directory number corresponding to the remote telephone station, to disconnect the remote telephone station from the switching device, to monitor for an attendant ready signal from the ACD system and, if the attendant ready signal is received, to initiate a telephone session with the remote telephone station using the stored directory number in order to connect the remote telephone station and the ACD system (col. 2, lines 17-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the

capability of storing the remote telephone station's directory number, to disconnect the remote telephone from the switching device, to monitor for an attendant ready signal to see if it received, to initiate a telephone session with the remote telephone using the stored directory number to connect the remote telephone and the ACD system to the system in order to maintain a list of telephone numbers which are to be called as soon as an agent becomes available or at a time preferred by the customer.

Referring to claim 31, Sonesh et al. teach the alert request activation signal is a sequence of Dual Tone Multi-Frequency (DTMF) signals (col. 5, lines 51-59).

Referring to claim 35, Sonesh et al. as mentioned above, Sonesh et al. teach a telephone station arranged to be coupled through a telephone network to an Automatic Call Distribution (ACD) system comprising at least one attendant telephone station (Fig. 1, 120), the telephone station comprising alert request logic (connection manager) that is operable when the telephone station is connected to the ACD system (Fig. 1, 110); but Sonesh et al. do not suggest the alert request logic operates to monitor for receipt of an alert request activation signal; Dezonno et al. teach the alert request logic operates to monitor for receipt of an alert request activation signal (col. 4, lines 51-62); and, if the alert request activation signal is received, to periodically send a recorded voice message to the ACD system indicating how to send an attendant ready signal to the alert request logic, to monitor for an attendant ready signal from the ACD system and, if the attendant ready signal is received, to initiate an alert operation on the telephone station. It would have been obvious to one of ordinary skill in the art at the time of invention to have a recorded voice message periodically sent to the ACD system so that the user understands that an attendant is available.



5. Claims 8, 10-12, 14, 15, 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonesh et al. (U.S. Patent 6,046,762) further in view of Bateman et al. (U.S. Patent 5,884,032).

Referring to claims 8 and 10, Sonesh et al. as discussed above, but Sonesh et al. fail to teach the data information message comprises an alert request option; and wherein the call reception logic further operates to monitor for receipt of an alert request activation message from the particular remote telephone station in response to the alert request option; and, if the call reception logic receives the alert request activation message from the particular remote telephone station, to send an alert on message to the particular remote telephone station when the attendant availability parameter is met and send an alert mode indication to the particular remote telephone station if the call reception logic receives the alert request activation message from the particular remote telephone station. Bateman et al. teach the data information message comprises an alert request option (col. 6, lines 9-13 and col. 6, lines 31-32); and wherein the call reception logic further operates to monitor for receipt of an alert request activation message from the particular remote telephone station in response to the alert request option; and, if the call reception logic receives the alert request activation message from the particular remote telephone station, to send an alert on message to the particular remote telephone station when the attendant availability parameter is met (col. 6, lines 31-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the help request message to the system to create a more user friendly environment.

Referring to claims 11 and 12, Sonesh et al. as discussed above, but Sonesh et al. fail to teach the alert mode icon to be displayed on the display of the particular remote

Art Unit: 2642

telephone station, the alert on message has a ring request for the particular remote telephone station. Bateman et al. teach the alert mode indication is an alert icon to be displayed (col. 10, lines 1-3), alert on message comprises a ring request for the particular remote telephone station (col. 10, lines 3-13).

Referring to claim 14, Sonesh et al. discussed above, but Sonesh et al. fail to teach the alert on message comprises an email message being sent to an email account corresponding to the particular remote telephone. Bateman et al. teach notification being sent to a remote telephone via email messages (col. 7, lines 58-61).

Referring to claims 15, 17 and 23, Sonesh et al. also fail to teach the alert request option, a browser request option and each of the audio options comprises a text string to be displayed on display screen associated with the particular remote telephone station, the text string indicating to a user of the particular remote telephone station how to send an alert request/audio option activation/browser request activation message to the call reception logic. Bateman et al. suggested that customer could enter command on the pop up display screen (col. 6, lines 14-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made also to incorporate a text string to be displayed on a display screen as part of the alert request option so that the communication between customer on hold and the call reception logic more diverse and efficient.

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sonesh et al. (U.S. Patent 6,046,762) further in view of Walker et al. (U.S. Patent 6,301,354).

Referring to claim 28, Sonesh et al. as discussed above, but Sonesh et al. fail to teach the remote telephone station is a wireless telephone station that is coupled to the packet-based network via a communication link with a base station that is further coupled

to the packet-based network. Walker et al. teach the remote telephone station is a wireless telephone station that is coupled to the packed-based network (Fig. 1, 135) via a communication link with a base station coupled to the packet-based network (col. 5, lines 49-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate wireless in the remote telephone station which give users hand-free capability.

7. Claims 13, 21, 22, 25-27, 29, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonesh et al.

Referring to claim 13, Sonesh et al. as discussed above, but Sonesh et al. fail to teach the ring request comprises a volume request to ensure a ring volume selection corresponding to the particular remote telephone station is at a sufficiently high level. It would have been obvious to one of ordinary skill in the art that all telephone has capability to adjust volume of the ringer.

Referring to claims 21 and 22, Sonesh et al. as discussed above, but Sonesh et al. also fail to teach if a browser session is initiated with the particular remote telephone station, the call reception logic further operates to send at least a portion of the data information accessed by the particular remote telephone station during the browser session to the particular attendant telephone station when establishing the audio channel between the particular remote telephone station and the particular attendant telephone station, and initiate a browser session with the attendant telephone station when establishing the audio channel between the remote telephone station and the attendant telephone station, the browser session being identical to that initiated with the remote telephone station. It would have been obvious to one of ordinary skill in the art that once

a browser session is initiated with the particular remote telephone station it would be easy to send data information and initiate another identical browser to the attendant telephone station.

Claims 25 and 27 are rejected for the same reasons as claim 2, except in claims 25 and 27 Sonesh does not teach softkey option labels for selection of one or more of a music choice operation, and alert request operation, and a browser request operation. Obviously, softkey is well known in the art and defined in Newton's Telecom Dictionary by Harry Newton 8<sup>th</sup> Expanded & Updated Edition page 950.

Referring to claim 26, Sonesh et al. teach a Local Area Network (LAN) arranged to be coupled to the packet-based network, each of the attendant telephone stations being coupled through the LAN to the ACD controller (Fig. 1, 113).

Referring to claim 29, Sonesh et al. teach within an Automatic Call Distribution (ACD) controller, a method of establishing a telephone session between a remote telephone station and an attendant telephone station via a packet-based network, the method comprising: receiving call initiation signals from the remote telephone station; sending at least one data information message to the particular remote telephone station via the packet-based network (col. 10, lines 58-61); monitoring if an attendant availability parameter is met (col. 10, lines 58-61); if the attendant availability parameter is not met, sending at least one data information message to the particular remote telephone station via the packet-based network (col. 10, lines 58-61); and, if the attendant availability parameter is met, to establish an audio channel between the particular remote telephone station and a particular one of the attendant telephone stations (col. 11, lines 3-6). Sonesh

Art Unit: 2642

does not teach softkey option labels to the remote telephone station via the packet-based network and this limitation is rejected for the same reason as claims 25 and 27.

Referring to claims 32 and 33, Sonesh et al. as discussed above, but Sonesh et al. also fail to teach the alert request logic to monitor for receipt of an attendant ready signal, the alert request logic further operates to periodically send a recorded voice message to the ACD system indicating how to send an attendant ready signal which has a ring back signal that is generated when a telephone call is transferred to the alert request logic. It would have been obvious to one of ordinary skill in the art at the time of invention to have recorded voice message periodically sent to the ACD system and indicating how to send an attendant ready signal which has a ring back signal so that the user understands that an attendant is available.

#### ***Response to Arguments***

8. Applicant's arguments filed 16 August 2002 have been fully considered but they are not persuasive.

Applicant argues that Sonesh does not disclose that audio or softkey option labels are sent to the initiating telephone within a data message if an attendant is not available. Obviously, softkey is well known in the art and defined in Newton's Telecom Dictionary by Harry Newton 8<sup>th</sup> Expanded & Updated Edition page 950.

Applicant also argues that Sonesh et al. does not suggest that the format of any information supplied via the call connection is conformed to the initiating computer's capabilities. Examiner respectfully disagrees. Sonesh et al. does suggest that in column 10, lines 66-67, furthermore, it's obvious that data information message sent when no

Art Unit: 2642

attendant is available is determined from the capabilities of the call-initiating telephone, for example, cannot send video or text to a telephone that only has voice capability.

Furthermore, as to Applicant's arguments regarding Sonesh et al. does not suggest allow the caller to browse data information independent of a request for connection to an attendant, then request connection to an attendant during the browsing session. Examiner respectfully disagrees. Sonesh et al. does suggest that in column 10, lines 34-36.

Applicant argues that the following feature is not shown or suggested by the cited references: caller to selectively request an alert message to be sent to the call initiating telephone while holding for an available attendant. Examiner respectfully disagrees. Sonesh et al. suggest that in column 11, lines 3-4 and also Bateman et al. in column 6, lines 52-58.

Applicant argues that claim 13 recites that an alert request includes a volume request to ensure that the ring volume at the remote telephone is sufficiently high. Such feature is not shown or suggested by any cited reference. Examiner respectfully disagrees. Bateman et al. suggests this in column 6, lines 55-58. In order to the customer to answer the phone call from agent, the ring volume has to be sufficiently high.

Applicant argues that claims 21-22 recite sending a portion of data being browsed to an attendant when an available attendant answers a call and holding for an available attendant, and the information being viewed at the remote telephone is made available to the answering attendant so that both the calling party and the attendant may concurrently view the same data. Examiner respectfully disagrees. Bateman et al. suggest this in column 6, lines 55-58. Furthermore, Bateman et al. suggest call back feature to establish call connection at the called party's end when an attendant becomes available.

Art Unit: 2642

Applicant argues that Dezonno et al. does not teach enabling the called party to trigger an alert via an attendant ready signal. Examiner respectfully disagrees. Sonesh suggest that in column 11, lines 3-4. Furthermore, Applicant argues that a message instructing the answering attendant to press “#”, this is not mention in any claims.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dezonno (U.S. Patent 6,295,354) teaches method for incoming call answering for automatic call distributors. Davis et al. (U.S. Patent 6,314,177) teaches communications handling center and communications forwarding method using agent attributes.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-


Art Unit: 2642

5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn  
Quynh H. Nguyen  
October 17, 2002

  
**AHMAD MATAR**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**